

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 25.04 Lobster Trawl Limits

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY: Initiated by the Zone A Council in accordance with 12 M.R.S. §6447, this rule eliminates the Hancock County Trawl Limit area in Zone A. This eliminates the three traps on a trawl maximum in Zone A and allows license holders to fish longer trawls (more traps on a trawl). The proposal was supported by over two-thirds of the Zone A license holders voting in a referendum conducted in June 2018. On August 29, 2018, the Zone A Council voted unanimously to recommend to the Commissioner to advance this proposal to rule-making.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____ DATE: _____

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DEPARTMENT OF MARINE RESOURCES

CHAPTER 25

25.04 Lobster Trawl Limits

A. Casco Bay

It shall be unlawful to have on any trawl more than 12 lobster traps in waters within the following area: Starting at Martin Point, Portland; southeasterly to the northern end of House Island, Portland; thence southeasterly to the northeast point of White Head, Cushing Island, Portland; thence easterly to the southwest point of outer Green Island; thence easterly to the light at Halfway Rock; thence northwesterly to the Green Island Ledge Buoy; thence northwesterly to Parker Point, Yarmouth.

B. It is unlawful to have on any trawl more than 3 lobster traps in the following areas:

1. West of Cape Elizabeth and east of Kittery. Westerly of a line drawn from the active lighthouse at Two Lights in Cape Elizabeth through the Hue and Cry Buoy and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line, and northerly and easterly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line;
2. Between Pemaquid and Robinson's Points. Between the following lines:
 - A. Beginning at a point 48 miles true north of the lighthouse on Pemaquid Point, Lincoln County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
 - B. Beginning at a point 40 miles true north from the lighthouse at Robinson's Point, Isle au Haut, Knox County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
3. Off Hancock County and within the following areas. Beginning at the Southern tip of Schoodic Point at $44^{\circ} 19.900' N$ and $068^{\circ} 03.609' W$; ~~thence running a Magnetic compass course of 174° to latitude $44^{\circ} 9.44' N$ and longitude $067^{\circ} 57.54' W$; proceeding in a southeasterly direction along the Zone A/B line to its intersection with the Maine Six Mile line at $44^{\circ} 8.64' N$, $67^{\circ} 59.19' W$;~~ thence running in a southwesterly direction along the Maine Six Mile Line, as described in DMR Chapter 75.01 A-6, to its intersection with the lobster Zone B/C line at $43^{\circ} 54.452' N$ and $068^{\circ} 25.708' W$ thence; thence following the B/C line to latitude $44^{\circ} 01.376' N$ and $068^{\circ} 28.396' W$; thence running a ~~westerly Magnetic compass course of 286°~~ west to the point of intersect with the line described in subsection 2, paragraph B; and then following that line north to its point of origin 40 miles true north ~~from~~ of the lighthouse at Robinson's Point, Isle Au Haut, Knox County.

C. Effective October 1, 2018, it is unlawful to have on any trawl more than 5 lobster traps in the following area off Hancock County:

From the intersection of the eastern boundary of Lobster Zone B with the Maine Six Mile Line at $44^{\circ} 8.64' N$, $-67^{\circ} 59.19' W$, proceeding in a southerly direction for ~9.2 NM along the eastern boundary of

Lobster Zone B to 43° 59.75' N, 67° 55.72' W, then westward at a bearing of 243.5° True for 19.6 NM to a point on the NOAA 12NM line at 43° 48.61' N, 68° 18.07' W (LORAN-C line 25675). Then proceeding in a westerly direction along the NOAA 12NM line to its intersection with the western boundary of Lobster Zone B at 43° 51.51' N, 68° 24.53' W; then northward along the western boundary of Lobster Zone B to its intersection with the Maine Six Mile Line at 43° 54.42' N, 68° 25.62' W. Finally, eastward along the Maine Six Mile Line to its intersection with Lobster Zone B eastern boundary.

25.04 C, sunsets on December 31, 2019.

D. Beals Island to Libby Island, Washington County

It shall be unlawful to have on any trawl more than 4 lobster traps in waters within the following area: A line starting at the Southeast tip of Kelly Point, Jonesport, thence following a southerly direction on a course of 170 degrees True to the most southern end of Freeman Rock, Jonesport (southwest of Moose Peak Light) as identified on National Oceanic and Atmospheric Administration nautical charts. Thence following a compass course 60 degrees True to the geographic coordinates N 44° 32.6' W 67° 21.1', Datum WGS84 (Loran 12009.5 25741.5). Thence following a compass course of 305 degrees True to the most southern tip of Cow Point, Roque Bluffs.

E. Kittery

It is unlawful to have on a trawl more than 10 lobster traps in the waters southerly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line. Each trawl set in this area must be marked on each end with at least one buoy with a buoy stick of at least 4 feet in length.

F. Linekin Bay

It is unlawful to fish for or take lobsters with more than two traps on any one line or buoy in the waters of Linekin Bay, Lincoln County, inside and northerly of a line drawn as follows: starting at the southern tip of Spruce Point, Boothbay Harbor, southerly to a red navigational buoy #N"Z"; thence southeasterly to a black navigational buoy #C"1"; thence easterly to the northern tip of Negro Island; thence true east to Linekin Neck, Boothbay.

G. Sheepscot Bay and Sequin Island Area

It is unlawful to have on any trawl more than three lobster and crab traps or shrimp traps in coastal waters inside and upstream of the following line: starting at the southern tip of Indiantown Island, Boothbay; thence southerly to the northernmost point on Cameron Point, Southport; then starting at the southwest point of Southport; thence southeast to the Cuckolds; thence southerly 188°T. to the territorial limits of the State (LORAN C coordinates 13054.5 and 25904.0); thence westerly to Mile Ledge Bell R20ML; thence northwesterly to the navigational buoy C (1JK) Jackknife Ledge; thence northerly to the southern tip of Wood Island; thence northerly from the northern tip of Wood Island to the most southeast point on Popham Beach, Phippsburg.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: 25.04 Lobster Trawl Limits

STATUTORY AUTHORITY: 12 M.R.S. §§6446 & 6447

DATE AND PLACE OF PUBLIC HEARING(S): No hearing(s) scheduled.

COMMENT DEADLINE: November 2, 2018

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

12 M.R.S. §6447 allows Lobster Zone Councils to propose to the Commissioner rules placing certain limitations on lobster and crab fishing license holders that fish in that zone. One of those limitations is the number of lobster traps allowed on a trawl. On November 27, 2017, the Zone A Council voted unanimously to initiate a referendum, which would consider eliminating the three traps on a trawl limit maximum in Zone A and allow fishing longer trawls (more traps on a trawl). The proposal was supported by over two-thirds of the Zone A license holders voting in a referendum conducted in June 2018. On August 29, 2018, the Zone A Council voted unanimously to recommend to the Commissioner to advance this proposal to rule-making.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This proposed rule would eliminate the Hancock County Trawl Limit area in Zone A. This would eliminate the three traps on a trawl maximum in Zone A and allow fishing longer trawls (more traps on a trawl).

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Feedback from the Zone A Council and Zone A members, including referendum processes initiated by the Council, and approved by two-thirds of those voting. Marine Patrol was also consulted to provide the coordinates for the area.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

Basis Statement:

Initiated by the Zone A Council in accordance with 12 M.R.S. §6447, this rule eliminates the Hancock County Trawl Limit area in Zone A. This eliminates the three traps on a trawl maximum in Zone A and allows license holders to fish longer trawls (more traps on a trawl). The proposal was supported by over two-thirds of the Zone A license holders voting in a referendum conducted in June 2018. On August 29, 2018, the Zone A Council voted unanimously to recommend to the Commissioner to advance this proposal to rule-making.

Summary of Comments:

Notice of this proposed rulemaking appeared on October 3, 2018 in the five major daily newspapers as published by the Secretary of State. On October 4, 2018, the rule was posted on the DMR website, and electronic messages were sent to fishermen and other stakeholders who subscribe to DMR notices. The comment period closed on November 2, 2018. DMR did not receive any comments on the proposal. Based on the absence of comments, DMR will adopt the rule as originally proposed.